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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,614	01/20/2000	Evgeniy M. Getsin	IACTP015	4713

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EXAMINER

MA, JOHNNY

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/488,614	GETSIN ET AL.	
	Examiner	Art Unit	
	Johnny Ma	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/06:11(3), 10/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/5/2006 have been fully considered but they are not persuasive.

Applicant argues “the applied references fail to teach at least ‘receiving a request prior to the start time [of the simultaneous event] from a client apparatus to take part in the simultaneous event’ as recited in claim 19.” Specifically, Applicant argues “[t]he Craig patent, however, specifically teaches away from receiving requests prior to the start time in that Craig specifically requires that a session has to be active prior to students accessing and joining the session. Specifically, Craig states, ‘the user at the instructor workstation will preferably initiate the presentation some time in advance. This will allow students that attempt to connect to the presentation some window of time to establish their connections’... Thus, the Craig patent specifically requires that the lecture presentation be initiated before students can connect, and users can connect to the presentation only after the presentation session has been started (i.e., after the start time). The examiner respectfully disagrees. It is noted that, immediately following the cited portions by Applicant, the Craig reference discloses “[o]f course, the actual presentation will not begin until the user at the instructor workstation begins speaking and selecting slides. In this regard, a first information slide may simply contain the title and starting time of the lecture. In this way, when various students connect to the LectureServer, their browsers will display this message, and they will know when the lecture/presentation is to begin.” (Craig 12:14-20). Thus, the initiation of the presentation some time in advance to allow students a window of time to establish their connections is distinguished from the start time of the presentation itself.

Applicant further argues that “[o]nce initiated, the presentation has been ‘started’ because students may connect and assume control over the display of the slides on the student’s workstation at that point even though the instructor has not yet begun speaking. (See Craig, col. 13, lines 20-29). Once the user connects to the server, the applet initializes in the user’s browser and the user can ‘free browse’ through the slides independent from the presentation given by the instructor.) As such, the presentation has started and it is irrelevant as to when the professor begins the lecture.” Upon careful consideration of the cited portion of the Craig reference, the examiner respectfully disagrees. The section cited by Applicant discloses an option where a user may assume control of the information slides displayed and then later return to the on going presentation by the instructor. The presence of this additional functionality was not relied upon in the previous Office Action and does not teach away from the primary purpose of the Craig invention, to receive a request prior to the start time of a simultaneous event from a client apparatus to take part in the simultaneous event, the actual scheduled presentation.

Applicant also argues that “[o]ne skilled in the art would not modify the Kinney reference to receive a request from a client prior to the start time of the collaborative editing session, because the Kinney patent specifically requires that the collaborative editing session be activated by a master before other users can join the session... Therefore, one skilled in the art would not be motivated to modify the Kinney reference to receive a request from a client prior to a start time of the collaborative session, as Kinney specifically teaches away from such operation, and further, such a modification would change the principle of operation of Kinney. The examiner respectfully disagrees. In response to applicant's argument that “[o]ne skilled in the art would not modify the Kinney reference to receive a request from a client prior to the start time of the

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collaborative editing session, because the Kinney patent specifically requires that the collaborative editing session be activated by a master before other users can join the session, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Furthermore, it is unclear as to why the Kinney patent's requirement that the collaborative editing session be activated by a master before other users can join the session would not suggest to one skill in the art to modify the Kinney reference accordingly or teaches away from such a modification. Applicant admits, in Remarks, that the Craig reference operates in a similar manner wherein "the user at the instructor workstation will preferably initiate the presentation some time in advance. This will allow students that attempt to connect to the presentation some window of time to establish their connections."

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinney et al. (US 5,808,662) in further view of Craig (US 6,108,687).

As to claim 19, note the Kinney et al. reference discloses the synchronized, interactive playback of digital movies across a network. The claimed “the simultaneous event to include a plurality of client apparatuses” is met by “[a] system and method is described that allows two or more participants at separate locations to simultaneously view and control the playing of the movie” (Kinney 3:9-12). The claimed “sending a command to the client apparatus in response to receiving the request from the client apparatus” is met by “a ‘Hello’ event indicates that a new participant is joining the shared play back session. In response to this event, the participant receives events (e.g., seek and play) needed to synchronize the new participant with the other participants in the session (Kinney 6:10-14). Note, the Kinney et al. reference discloses “[a] system and method is described that allows two or more participants at separate locations to simultaneously view and control the playing of the movie” (Kinney 3:9-12) that “allows participants to join the session asynchronously” (Kinney 6:14-15). However, the Kinney et al. reference is silent as to how such a simultaneous session is initiated. Now note the Craig reference that discloses a system and method for providing a synchronized display to a plurality of computers over a global computer network. The claimed “determining a start time of a simultaneous event” is met by “...a lecture/presentation is scheduled to begin at a given time” (Craig 12:7-12). The claimed “receiving a request prior to the start time from a client apparatus to take part in the simultaneous event” is met by allowing users to connect to the session prior to the scheduled presentation time (Craig 12:10-20). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. simultaneous viewing session with the Craig scheduled presentation start time for the purpose of allowing the two or more participants at separate locations to

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simultaneously view and control the playing of the movie to begin the session at the same time so that the entire editing session may be acted on by the whole group. The claimed “if the request is received during a predetermined threshold period” is met by the Kinney and Craig combination as discussed above teaching a simultaneous viewing session allowing users to join a session prior to a presentation start time. The claimed “wherein the command relates to starting the simultaneous event on the client apparatus” is met by the Kinney and Craig combination as discussed above teaching a simultaneous viewing session allowing users to join a session prior to a presentation start time wherein transmitted events including a play command to initiate playback of the presentation at the scheduled time.

As to claim 20, the claimed “further comprising determining a current time” is met by that discussed in the rejection of claim 19 where the display comprises a count down of time remaining until the presentation begins. Note that determining a current time is inherent to the calculation and display of the time remaining.

As to claim 21, the claimed “wherein the command includes chapter information.” The Kinney et al. reference discloses when joining the simultaneous viewing presentation “participant receives events (e.g., seek and play) needed to synchronize the new participant with the other participants in the session” (Kinney et al. 6:10-14) where the “seek event” includes a tag that indicates a specific frame within the movie to be displayed (Kinney et al. 6:1-3). However, the Kinney et al. reference does not specifically disclose a seek command including chapter information associated with the DVD. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to jump to certain portions of a DVD using chapter information for the purpose of providing an readily available to facilitate seek operations in a

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media file. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. seek event accordingly for the stated advantages.

As to claim 22, the claimed “wherein the starting of the simultaneous event on the client apparatus includes starting playback of local content stored at the client apparatus” is met by media file 115 is a storage device that contains enough memory to store a movie (3:42-43). Media file 115 may take many forms including, but not limited to, CD ROM, a floppy disk, a hard disk, an optical disk, a read only memory (ROM), a random access memory (RAM), or a direct access storage device (DASD) (3:49-53).

As to claim 23, the claimed “wherein the local content is stored on a DVD”. The Kinney et al. reference discloses media file 115 is a storage device that contains enough memory to store a movie (3:42-43). Media file 115 may take many forms including, but not limited to, CD ROM, a floppy disk, a hard disk, an optical disk, a read only memory (ROM), a random access memory (RAM), or a direct access storage device (DASD) (3:49-53). However, the Kinney et al. reference does not specifically disclose a digital video disc (DVD). Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to distribute media using digital video discs for the purpose of providing higher quality images and a medium capable of storing large quantities of data. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. media file accordingly for the stated advantages.

As to claim 24, the claimed “wherein the command is a DVD command.” The Kinney et al. reference discloses when joining the simultaneous viewing presentation “participant receives

events (e.g., seek and play) needed to synchronize the new participant with the other participants in the session” (Kinney et al. 6:10-14) where the “seek event” includes a tag that indicates a specific frame within the movie to be displayed (Kinney et al. 6:1-3). However, the Kinney et al. reference does not specifically disclose a seek command including DVD command.

Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to jump to certain portions of a DVD using chapter information for the purpose of providing an readily available to facilitate seek operations in a media file. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. seek event accordingly for the stated advantages. Note the chapter information events satisfies the DVD command as claimed.

As to claim 25, please see rejection of claim 24 where the chapter information seek command is based upon a decoder since the decoder inherently decodes the data representative of the specified chapter (DVD Command).

As to claim 26, the claimed “further comprising a second command for sending to the client apparatus” is met by “[t]ransport control logic 170 allows a participant to control the actions of a movie. Specific actions that the participant can initiate are, for example, normal playback, stop, fast and slow reverse, fast and slow forward, and seek” (Kinney 4:41-45) wherein corresponding commands are sent in order to synchronize playback on the plurality of devices (Kinney 5:36-6:37).

As to claim 27, the claimed “determining a time for the second command to be sent to the client apparatus” is met by “[t]he sequence number allows each event to be processed by each participant in the same order that the action was specified” (Kinney 5:43-45). The claimed

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“sending the second command to the client apparatus” is met by “[c]ommunication between participants takes place by the transfer of a number of data structures, or ‘events’, that are transferred over network 160” wherein the processed commands result in corresponding events being sent to the plurality of devices to synchronize the presentation (Kinney 5:36-6:37).

As to claim 28, the claimed “wherein the second command includes chapter information.” The Kinney et al. reference discloses when joining the simultaneous viewing presentation “participant receives events (e.g., seek and play) needed to synchronize the new participant with the other participants in the session” (Kinney et al. 6:10-14) where the “seek event” includes a tag that indicates a specific frame within the movie to be displayed (Kinney et al. 6:1-3). However, the Kinney et al. reference does not specifically disclose a seek command including chapter information associated with the DVD. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to jump to certain portions of a DVD using chapter information for the purpose of providing an readily available to facilitate seek operations in a media file. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. seek event accordingly for the stated advantages.

As to claim 29, the claimed “wherein the starting of the simultaneous event on the client apparatus includes starting playback of local content stored at the client apparatus” is met by media file 115 is a storage device that contains enough memory to store a movie (3:42-43). Media file 115 may take many forms including, but not limited to, CD ROM, a floppy disk, a hard disk, an optical disk, a read only memory (ROM), a random access memory (RAM), or a direct access storage device (DASD) (3:49-53).

As to claim 30, the claimed “wherein the local content is stored on a DVD”. The Kinney et al. reference discloses media file 115 is a storage device that contains enough memory to store a movie (3:42-43). Media file 115 may take many forms including, but not limited to, CD ROM, a floppy disk, a hard disk, an optical disk, a read only memory (ROM), a random access memory (RAM), or a direct access storage device (DASD) (3:49-53). However, the Kinney et al. reference does not specifically disclose a digital video disc (DVD). Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to distribute media using digital video discs for the purpose of providing higher quality images and a medium capable of storing large quantities of data. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. media file accordingly for the stated advantages.

As to claim 31, the claimed “wherein the second command is a DVD command.” The Kinney et al. reference discloses when joining the simultaneous viewing presentation “participant receives events (e.g., seek and play) needed to synchronize the new participant with the other participants in the session” (Kinney et al. 6:10-14) where the “seek event” includes a tag that indicates a specific frame within the movie to be displayed (Kinney et al. 6:1-3). However, the Kinney et al. reference does not specifically disclose a seek command including DVD command. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to jump to certain portions of a DVD using chapter information for the purpose of providing an readily available to facilitate seek operations in a media file. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the Kinney et al. seek event accordingly for the stated advantages. Note the chapter information events satisfies the DVD command as claimed.

As to claim 32, the claimed "further comprising sending the second command based upon a lapsed time of the event" is met by that discussed in the rejection of claim 26 where playback commands are initiated during various sections of the presentation, such sections inherently comprising lapsed times of the presentation that satisfies the based upon a lapsed time as claimed. Furthermore, "[s]eek event further includes a time and a timescale./ Time equals the number of frames the participant wants to advance into the movie" (Kinney 6:3-5).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm


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